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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,642	01/30/2002	Randy Navarro	09752-132001	2144
27572	7590	05/03/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ADDY, ANTHONY S	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 05/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/062,642

Applicant(s)

NAVARRO, RANDY

Examiner

Anthony S Addy

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1-6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevens, U.S. Patent Number 6,745,021 (hereinafter Stevens)** and further in view of **Dutton, U.S. Patent Number 4,887,308 (hereinafter Dutton)**.

Regarding claim 1, Stevens teaches a method of distributing an emergency message (see col. 1, lines 49-54 and col. 1, lines 62-66) comprising: determining a geographical area affected by the emergency message (see col. 1, lines 54-62); selecting one or more mobile stations within the geographical area that may be potentially affected by the emergency message (see col. 1, lines 62-67, col. 2, lines 27-42 and Fig. 1; where a mobile stations in geographical area 108 affected by an emergency situation is shown); and transmitting the emergency message to the potentially affected mobile stations within the geographical area (see col. 2, lines 43-55).

Stevens fails to explicitly teach periodically retransmitting the emergency message to mobile stations within the geographic area.

Dutton, however, teaches a novel broadcast transmitting and receiving system, where in the event of an emergency, a periodic transmitter broadcasts emergency information to multiple receivers and the periodic transmission of emergency information may be for a duration of from one minute to five minutes (see col. 3, lines 42-66 and Fig. 1; where a periodic transmitter 16 for periodically transmitting pre-set coded info 14 relating to fire, police, ambulance or other type of emergency situation to multiple receivers 17).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of periodically broadcasting emergency information to multiple receivers as taught by Dutton, to the method for alerting mobile subscribers about emergency situations of Stevens to include periodically retransmitting the emergency message to mobile stations within the geographic area, such that transmission of emergency broadcasts information is not continuous for a long period of time, but instead for a duration of from one minute to five minutes as taught by Dutton (see col. 3, lines 52-56).

Regarding claim 2, the combination of Stevens and Dutton teaches all the limitations of claim 1. In addition, Stevens teaches a method of transferring the emergency message to one or more base stations which service the affected geographic area (see col. 2, lines 43-51 and Fig. 1; where cells 110a-110e are shown in the troubled geographical area 108).

Regarding claim 3, the combination of Stevens and Dutton teaches all the limitations claim 2. In addition, Stevens teaches a method of entering the emergency

mode (see col. 6, lines 60-66 and Fig. 4; where in step 402, controller receives emergency situation information, thus entering an emergency mode) for each of the base stations receiving the emergency message (see col. 7, lines, 15-25).

Regarding claim 4, the combination of Stevens and Dutton teaches all the limitations claim 3. In addition, Stevens teaches a method of inherently transmitting the emergency message from the base stations in the emergency mode to the mobile stations (see col. 7, lines 26-50). It is inherent the notification messages sent to the mobile subscriber goes through a base station.

Regarding claim 5, the combination of Stevens and Dutton teaches all the limitations claim 1. In addition, Stevens teaches a method of alerting the user when the mobile station receives an emergency message (see col. 6, lines 53-58).

Regarding claim 6, the combination of Stevens and Dutton teaches all the limitations claim 1. In addition, Stevens teaches a method of transmitting the emergency message using the short messaging service (SMS) (see col. 4, lines 50-55 and col. 7, lines 46-50).

Regarding claim 8, Stevens teaches a wireless communication system (see Figs. 3; where an embodiment of the system 100 is shown) comprising: a server (see col. 5, line 14 and Fig. 3; where a location based server 122 is shown) which communicates with a warning service (see col. 2, lines 26-30 and Fig. 1; where an emergency warning system 102 is shown); a plurality of base stations which interface with the server (see col. 3, lines 34-31), the server transferring the emergency message to any of the plurality of base stations which service the affected geographic region (see col. 3, lines

31-48); and at least one mobile station which communicates with one or more of the plurality of base stations (see col. 3, lines 40-45); wherein the position of the at least one mobile station is determined and compared to the affected geographic region (see col. 3, line 49 through col. 4, line 7), the emergency message being transmitted from one of the plurality of base stations to the at least one mobile station if the position is within the affected region (see col. 4, lines 9-16).

Stevens fails to explicitly teach the emergency message being transmitted from one of the plurality of base stations to the at least one mobile station a plurality of times.

Dutton, however, teaches a novel broadcast transmitting and receiving system, where in the event of an emergency, a periodic transmitter broadcasts emergency information to multiple receivers and the periodic transmission of emergency information may be for a duration of from one minute to five minutes (see col. 3, lines 42-66 and Fig. 1; where a periodic transmitter 16 for periodically transmitting pre-set coded info 14 relating to fire, police, ambulance or other type of emergency situation to multiple receivers 17).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of periodically broadcasting emergency information to multiple receivers as taught by Dutton, to the method for alerting mobile subscribers about emergency situations of Stevens to include the emergency message being transmitted from one of the plurality of base stations to the at least one mobile station a plurality of times, such that transmission of emergency broadcasts information

is not continuous for a long period of time, but instead for a duration of from one minute to five minutes as taught by Dutton (see col. 3, lines 52-56).

Regarding claim 9, the combination of Stevens and Dutton teaches all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the mobile station alerts the user upon receipt of the emergency message (see col. 6, lines 53-58).

Regarding claim 10, the combination of Stevens and Dutton teaches all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the base station transmits the emergency message using the short messaging service (see col. 4, lines 50-55 and col. 7, lines 46-50).

Regarding claim 12, the combination of Stevens and Dutton teaches all the limitations of claim 8. In addition, Stevens teaches a wireless communication system, wherein the server decodes the emergency message (see col. 4, lines 9-16).

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevens, U.S. Patent Number 6,745,021 (hereinafter Stevens)** and **Dutton, U.S. Patent Number 4,887,308 (hereinafter Dutton)** as applied to claim 6 above, and further in view of **Sharma U.S. Patent Number 6,766,163 (hereinafter Sharma)**.

Regarding claim 7, the combination of Stevens and Dutton teaches all the limitations of claim 6. The combination of Stevens and Dutton does not specifically teach a method, comprising transmitting the SMS using the wireless application protocol.

Sharma, however, discloses a wireless application protocol (WAP) server (see col. 4, lines 9-16), which communicates with a radio base station through a cellular network (see col. 4, lines 17-19) and sends portions of the teletext message to the base station according to subscriber specified requests (see col. 4, lines 24-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and system of displaying teletext information on mobile devices as taught by Sharma, to the method for alerting mobile subscribers about emergency situations of Stevens and Dutton, to include the wireless application protocol to enable a mobile telephone to communicate in both a circuit-switched mode or a packet-switched mode, thus allowing a cellular subscriber to have access to both voice and data communication services.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Stevens, U.S. Patent Number 6,745,021 (hereinafter Stevens)** and **Dutton, U.S. Patent Number 4,887,308 (hereinafter Dutton)** as applied to claim 8 above, and further in view of **Anttila et al., U.S. Patent Number 6,721,542 (hereinafter Anttila)**.

Regarding claim 11, the combination of Stevens and Dutton teaches all the limitations of claim 8. The combination of Stevens and Dutton does not specifically teach a wireless communication system, wherein the base station transmits the emergency message using a high priority.

Anttila, however, discloses a system in which different mobile stations can negotiate their priority (or pecking order) on the basis of other mobile stations in the area (see col. 6, lines 33-35) and to avoid burdening a wireless system during an



emergency situation, some mobile stations may be directed to switch off when in the presence of a higher priority mobile station (see col. 6, lines 36-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include the high priority feature when in an emergency situation as taught by Antilla, for the system for alerting mobile subscribers about emergency situations of Stevens and Dutton, to curtail the current system functionality of the mobile station.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guillory, U.S. Publication Number 2002/0075155 A1 discloses system for selective notification of severe weather events.

Petite, U.S. Publication Number 2003/0078029 A1 discloses system and method for transmitting an emergency message over an integrated wireless network.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

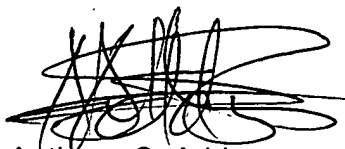
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

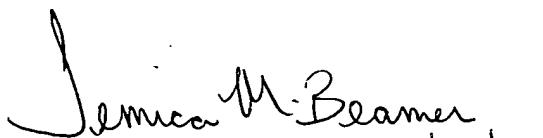
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
April 26, 2005



TEMICA BEAMER  
PRIMARY EXAMINER 4/29/05